

PROPOSED RULE AMENDMENTS

Public Hearing:

November 18, 2020 – 10:00 am

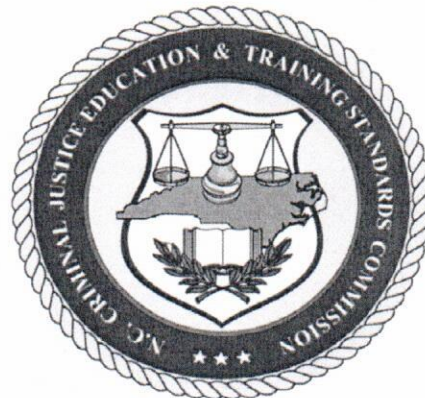
Full Commission Vote:

November 20, 2020- 9:00 am

**Wake Technical Community College
Public Safety Training Center
321 Chapanoke Rd.
Raleigh, NC 27502**

Instructions for Oral and Written Comments: The objection, reasons for the objection, and the clearly identified portion of the rule to which the objection pertains, must be submitted in writing to:

Charminique Williams
Department of Justice
Criminal Justice Standards Division
PO Drawer 149
Raleigh, NC 27602.



Title: General Instructor Certification, Certification of Diversion Investigators and Supervisors, Minimum Training Specifications: Annual In-Service Training
Agency: Criminal Justice Education and Training and Standards Commission
Contact: Charminique Williams
Impact Summary: State Government: No
Local Government: No
Substantial Impact: No
Small Business: No

12 NCAC 09A .0205 Investigation of Violation of Rules
12 NCAC 09B .0202 Responsibilities of the School Director
12 NCAC 09B .0209 Criminal Justice Instructor Training
12 NCAC 09B .0226 Specialized Firearms Instructor Training
12 NCAC 09B .0227 Specialized Driver Instructor Training
12 NCAC 09B .0232 Specialized Subject Control Arrest Techniques Instructor Training
12 NCAC 09B .0233 Specialized Physical Fitness Instructor Training
12 NCAC 09B .0102 Certification of Diversion Investigator and Supervisors
12 NCAC 09B .0409 Satisfaction of Training-SMI Operators
12 NCAC 09B .0417 Specialized Explosives and Hazardous Materials Instructor Training
12 NCAC 09G .0414 Instructor Training

Statutory authority for the rule change: G.S. 17C-6; 17C-10; 17-E4; 90-113.74E.

Amendment: On August 14, 2020 the Criminal Justice Education and Training Standards Commission proposed amendments to the aforementioned rules in order to:

- ☐ **State Impact:** None
- ☐ **Local Government Impact:** No
- ☐ **Substantial Economic Impact:** No
- ☐ **Small Business Impact:** No

*Rules begin on the following page

1 12 NCAC 09A .0201 is proposed for amendment as follows:
2

3 **SECTION .0200 - ENFORCEMENT OF RULES**
4

5 **12 NCAC 09A .0201 INVESTIGATION OF VIOLATION OF RULES**

6 (a) If any criminal justice agency, school, authorized representative acting on behalf of either, or individual is reported
7 to be or suspected of being in violation of any of the rules in this Chapter, the Commission may take action to correct
8 the violation and to ensure that similar violations do not occur.

9 (b) Before taking action against an agency, school, or individual for a violation, the Standards Division shall
10 investigate the alleged violation and present a report of its findings to the Probable Cause Committee of the
11 Commission.

12 (c) The Probable Cause Committee shall convene prior to the next regular meeting of the Commission, shall consider
13 the report of the Standards Division, and shall make a determination as to whether or not probable cause exists that
14 the Commission's rules have been violated.

15 (d) The Probable Cause Committee may:

- 16 (1) direct the Standards Division to conduct a further investigation of the alleged violation;
17 ~~(2) request the Attorney General to authorize an investigation by the State Bureau of Investigation of~~
18 ~~the alleged violation;~~
19 (2)(3) direct the Standards Division to conduct an administrative hearing in the matter, pursuant to Rule
20 .0107 of this Subchapter and 26 NCAC 03; or
21 (3)(4) determine the appropriate sanctions against the violator pursuant to the Commission's rules.
22

23 *History Note: Authority G.S. 17C-6; 17C-10;*

24 *Eff. January 1, 1981;*

25 *Amended Eff. March 1, 2004; November 1, 1993; July 1, 1990;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
27 *2019.*

28 *Amended Eff. January 1, 2021.*
29

12 NCAC 09B .0202 is proposed for amendment as follows italic text is pending RRC review 09.17.20:

12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR

(a) In planning, developing, coordinating, and delivering each Commission-certified criminal justice training course, the School Director shall:

- (1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;
- (2) Select and schedule instructors who are certified by the Commission;
- (3) Provide each instructor with a current Commission course outline and all necessary additional information concerning the instructor's duties and responsibilities;
- (4) Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course Management Guide and provide him or her access to the most current version of the Course Management Guide;
- (5) Ensure each instructor utilizes Commission approved lesson plans and instructional materials;
- (6) Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;
- (7) Develop, adopt, reproduce, and distribute any supplemental rules and requirements determined by the school to be necessary or appropriate for:
 - (A) effective course delivery;
 - (B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and
 - (C) regulating trainee participation and demeanor, ensuring trainee attendance, and maintaining performance records;
- (8) If appropriate, recommend housing and dining facilities for trainees;
- (9) Administer the course delivery in accordance with Commission approved lesson plans and course management guides;
- (10) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been delegated. The comprehensive final examination shall be administered by the Criminal Justice Education and Training Standards Commission; and
- (11) Report the completion of each presentation of a Commission-certified criminal justice training course to the Commission, utilizing forms required for submission, which are located on the Agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

(b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified Basic Law Enforcement Training Course, the School Director shall:

- (1) Deliver training in accordance with the most current version of the Basic Law Enforcement Training Course Management Guide as published by the North Carolina Justice Academy;
- (2) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as three one-week breaks until course requirements are completed;
- (3) Schedule only specialized instructors certified by the Commission to teach those high-liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors or role players;
- (4) With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials, and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor certified by the Commission for every six trainees while engaged in a practical performance exercise;
- (5) Schedule one specialized instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical area "Subject Control Arrest Techniques;"
- (6) Schedule no single individual to instruct more than 35 percent of the total hours of the curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;
- (7) Not less than 30 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and location for the administration of the state comprehensive exam, and include the following attachments:
 - (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments; and
 - (B) a copy of any rules and requirements for the school. A copy of such rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;
- (8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure that the instructor is using the Instructional System Design model, and that the delivery is objective-based, documented by, and consistent with a Commission-approved lesson plan. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16) and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General

Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated;

- (9) Administer or designate a staff person to administer course specific tests during course delivery:
 - (A) to determine and record the level of trainee comprehension and retention of instructional subject- matter;
 - (B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and
 - (C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of this Subchapter; and
- (10) Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement Training, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) that shall include:
 - (A) a "Student Course Completion" form for each individual enrolled on the day of orientation; and
 - (B) a "Certification and Test Score Release" form.
 - (C) the "Police Officer Physical Ability Test (POPAT) Post-Course" final form; and
 - (D) Orientation class enrollment roster.

(c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified "Criminal Justice Instructor Training Course," the School Director shall:

- (1) Schedule course presentation pursuant to Rule .0209 of this Subchapter; ~~include a minimum of 78 hours of instruction during the time period the class is taught until course requirements are completed.~~
- (2) Schedule at least one evaluator for every six trainees, as follows:
 - (A) no evaluator shall be assigned more than six trainees during a course delivery;
 - (B) each evaluator, as well as the instructors, shall have completed a Commission-certified instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
 - (C) each instructor and evaluator shall document successful participation in a program presented by the North Carolina Justice Academy for purposes of familiarization and

supplementation relevant to delivery of the instructor training course and trainee ;
evaluation.

- (3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-Delivery Report of Training Course Presentation [Form F-10A(ITC)] with the following attachments:

- (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments;
- (B) the names and last four digits of the social security numbers of all instructors and evaluators; and
- (C) a copy of any rules, and requirements for the school; and

- (4) Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report [Form F-10B(ITC)] containing the following:

- (A) class enrollment roster;
- (B) a course schedule with the designation of instructors and evaluators utilized in delivery;
- (C) scores recorded for each trainee on the 70 minute skill presentation; and
- (D) designation of trainees who completed the course in its entirety and whom the School Director finds to be competent to instruct.

(d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall:

- (1) select and schedule speed measurement instrument instructors who are certified by the Commission as instructors for the specific speed measurement instruments in which the trainees are to receive instruction as follows:

- (A) provide to the instructor the Commission form(s) for motor skill examination on each trainee;
- (B) require the instructor to complete the motor skill examination form on each trainee indicating the level of proficiency obtained on each specific instrument; and
- (C) require each instructor to sign each individual form and submit the original to the School Director;

- (2) not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A (SMI)] that shall contain a period of course delivery including the proposed starting date, course location, requested date and location for the administration of the state exam, and the number of trainees to be trained on each type of approved speed measurement instrument. The Director of the Standards Division shall review the request and notify the School Director within thirty business days if the request is approved or denied; and

- 1 (3) upon completing delivery of the Commission-certified course, and not more than 10 days after the
2 conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-
3 Distance, or LIDAR speed measurement operator training course or re-certification course, the
4 School Director shall notify the Commission regarding the progress and achievements of each
5 trainee by submitting a Post-Delivery Report of Training Course Presentation [Form F-10B (SMI)].
6 This report shall include the original motor-skill examination form(s) completed and signed by the
7 certified instructor responsible for administering the motor-skill examination to the respective
8 trainee.
9

10 *History Note: Authority G.S. 17C-6;*
11 *Eff. January 1, 1981;*
12 *Amended Eff. November 1, 1981;*
13 *Readopted w/change Eff. July 1, 1982;*
14 *Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006;*
15 *May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1,*
16 *1985;*
17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
18 *2019;*
19 *Amended Eff. January 01, 2021; July 1, 2020.*
20
21

12 NCAC 09B .0209 is proposed for amendment as follows:

12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING

(a) The ~~instructor training~~ Instructor Training course required for ~~general instructor~~ General Instructor certification shall consist of a minimum of ~~90 hours of instruction, as defined in subsection (c), within a 15-day period.~~ 36 hours of classroom instruction plus the time required to conduct practical exercises, student presentations, and post testing presented during a continuous period of not more than 2 weeks.

(b) Each ~~instructor training~~ Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the ~~function~~ functions of a criminal justice instructor.

(c) Each ~~instructor training~~ Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation and Pre-Test	41 Hours
(2)	Instructional Systems Design (ISD)	85 Hours
(3)	Law Enforcement Instructor Liabilities and Legal Responsibilities	32 Hours
(4)	Criminal Justice Instructional Leadership	4 Hours
(5)	Lesson Plan Preparation: Professional Resources	32 Hours
(6)	Lesson Plan Development and Formatting	43 Hours
(7)	Adult Learning	42 Hours
(8)	Instructional Styles and Platform Skills	85 Hours
(9)	Classroom Management	43 Hours
(10)	Active Learning: Demonstration and Practical Exercises	8 Hours
(11)	The Evaluation Process of Learning	54 Hours
(12)	Audio Visual Aids	65 Hours
(13)	Student 8-Minute Introductions and Video Critique	5 Hours
(14)	Student Performance: First 35-Minute Presentation	6 Hours
	Second 35-Minute Presentation	6 Hours
	Final 70-Minute Presentation and Review	8 Hours
(12)	Completion of tasks associated with Practical Exercises and Student Presentations.	
	<u>The number of hours required to complete this portion of the curriculum shall be based on the number of enrolled students, available facilities, and number of instructors.</u>	
(15)	Course Closing and Post-test	4 Hours

(d) The "Instructor Training" manual published by the North Carolina Justice Academy shall be the curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149

Raleigh, North Carolina 27602

and may be purchased at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy

Post Office Drawer 99

Salemburg, North Carolina 28385

History Note: Authority G.S. 17C-6;

Eff. January 1, 1981;

Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; December 1, 2009;

August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1, 1985;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

Amended Eff. January 1, 2021.

12 NCAC 09B .0226 is proposed for amendment as follow:

12 NCAC 09B .0226 SPECIALIZED FIREARMS INSTRUCTOR TRAINING

(a) The instructor training course for ~~specialized firearms instructor certification~~ Specialized Firearms Instructor Training Certification shall consist of a minimum of ~~84~~ 50 hours of classroom and range instruction plus time required to complete the tasks associated with Range Operations presented during a continuous period of not more than two weeks.

(b) Each ~~specialized firearms instructor training~~ Specialized Firearms Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice firearms instructor in a Basic Law Enforcement Training (BLET) Course or a law enforcement officer in-service firearms training program.

(c) Each applicant for specialized firearms instructor training shall:

(1) have completed the criminal justice ~~general~~ instructor training course; and

(2) present a written endorsement by either

(A) a certified school director indicating the student may be utilized to instruct firearms in the Basic Law Enforcement Training Course; or

(B) a department head, certified school director, or in-service training coordinator, indicating the student may be utilized to instruct firearms in a law enforcement officer in-service firearms training ~~program~~ program; and

(3) Once within 365 days prior to enrollment each prospective student shall demonstrate proficiency during a qualification administered by the North Carolina Justice Academy. To successfully complete this qualification each prospective student shall achieve a minimum score of 92 percent 2 out of 3 times on both the BLET Day and Night Courses of Fire while using a 'Sam Browne' type belt and security holster and agency-issued duty or ballistic-equivalent ammunition.

(d) Each ~~specialized firearms instructor training~~ Specialized Firearms Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation/Pretest	82 Hours
(2)	Range Operations	382 Hours
(3)	Civil Liability	4 Hours
(4)	Night Firing	2 Hours
(5)	Combat Shooting <u>Classroom and Range</u>	8 Hours
(6)	Mental Conditioning	1 Hours
(7)	Shotgun Operation and Firing	4 Hours
(8)	Service Handgun - Operation and Use	58 Hours
(9)	Rifle - Operation and Maintenance	4 Hours
(10)	Service Handgun - Maintenance and Cleaning	2 Hours
(11)	Range Medical Emergencies	2 Hours
(12)	In-Service Firearms Requirements	2 Hours
(13)	BLET Lesson Plan Review	1 Hour

(14) Range Drills (as defined in the Specialized Firearms Instructor Training Manual and the Specialized Firearms Instructor Training Course Management Guide) 8 Hours

(15) Completion of tasks associated with Range Operations. Completion of tasks associated with Instructor Practicums (hours determined by number of students and instructors):

(A) Conduct a BLET Day Course of Fire

(B) Conduct a BLET Night Course of Fire

(C) Conduct a Long Gun Course of Fire

(D) Develop a Combat Course of Fire

(e) The "Specialized Firearms Instructor Training Manual" published by the North Carolina Justice Academy shall be the curriculum for ~~specialized firearms instructor training courses~~. the Specialized Firearms Instructor Training course. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

(f) The Commission-certified school that is certified to offer the "Specialized Firearms Instructor Training" course is the North Carolina Justice Academy.

History Note: Authority G.S. 17C-6;

Eff. May 1, 1986;

Amended Eff. January 1, 2015; February 1, 2013; August 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

Amended Eff. January 1, 2021.

12 NCAC 09B .0227 is proposed for amendment as follow:

12 NCAC 09B .0227 SPECIALIZED DRIVER INSTRUCTOR TRAINING

(a) The instructor training course required for ~~specialized driver instructor certification~~ Specialized Driver Instructor Certification shall consist of a minimum of ~~48~~ 24 hours of ~~instruction; classroom instruction plus the time required to~~ conduct the tasks as required in the driver practicums based on number of students, available facilities, and number of instructors.

(b) Each ~~specialized driver instructor training~~ Specialized Driver Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice driver instructor in a Basic Law Enforcement Training Course or a "Law Enforcement Officers' Annual In-Service Training Program."

(c) Each applicant for ~~specialized driver instructor training~~ Specialized Driver Instructor Training shall:

- (1) have completed the criminal justice general instructor training course;
- (2) present a written endorsement by either
 - (A) a certified school director indicating the student may be utilized to instruct driving in Basic Law Enforcement Training Courses; or
 - (B) a department head, certified school director, or in-service training coordinator, indicating the student may be utilized to instruct driver training in the "Law Enforcement Officer's Annual In-Service Training Program";
- (3) possess a valid operator driver's license; and
- (4) maintain a safe driving record where no more than four points have been assigned against the driving record within the past three years; ~~years; and~~
- (5) Within 365 days prior to enrollment in the Specialized Driver Instructor Training course, the prospective student shall complete a qualification administered by the North Carolina Justice Academy or the North Carolina State Highway Patrol Training Academy requiring the individual to achieve minimum scores on the following Basic Law Enforcement Training driving course exercises:
 - (A) minimum score of 85 percent on 2 out of 3 attempts on the Off-set Lane Maneuver, Serpentine, and Precision Exercise during daylight conditions;
 - (B) minimum score of 85 percent on 2 out of 3 attempts on the Precision Exercise during nighttime conditions;
 - (C) minimum score of 85 percent on one five-minute attempt during daytime conditions and one five-minute attempt during nighttime conditions on the Emergency Response exercise;
 - (D) minimum score of 85 percent on one five-minute attempt during daytime conditions and one five-minute attempt during nighttime conditions on the Pursuit Exercise; and
 - (E) score 100 percent on 2 out of 3 attempts on all phases of the Fixed Radius Curve and Evasive Action Exercises.

(d) Each ~~specialized driver instructor training~~ Specialized Driver Instructor Training course shall include the following identified topic areas and instructional hours for each area:

(1)	Orientation	1 Hour
(2)	Lesson Plan Review (BLET)	<u>46</u> Hours
(3)	General Mechanical Knowledge	2 Hours
(4)	Before - Operation Inspection	1 Hour
(5)	Laws of Natural Force & Operating Characteristics	<u>23</u> Hours
(6)	Driver Practicum/Pre-Qualification	32 Hours
(7) (6)	Legal and Operational Considerations for the Driver Instructor	4 Hours
(8) (7)	Course Description Packet and Administrative Code Review	<u>42</u> Hour
(9) (8)	Course Review	1 Hour
(9)	<u>Building Driving Courses</u>	<u>4</u> Hours
(10)	<u>Completion of tasks associated with the Driver Practicums. The number of hours required to complete this portion of the curriculum shall be based on the number of enrolled students, available facilities, and number of instructors.</u>	

(e) The "Specialized Driver Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for ~~specialized driver instructor training~~ Specialized Driver Instructor Training courses. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

(f) Commission-certified schools that are certified to offer the "Specialized Driver Instructor Training" course are The North Carolina Justice Academy and The North Carolina State Highway Patrol Training Center.

History Note: Authority G.S. 17C-6;

Eff. May 1, 1986;

Amended Eff. August 1, 2015; January 1, 2015; February 1, 2013; August 1, 2006; February 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

1

Amended Eff. January 1, 2021.

12 NCAC 09B.0232 is proposed for amendment as follow:

12 NCAC 09B.0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR TRAINING

(a) The instructor training course required for ~~specialized subject control arrest techniques instructor certification~~ Specialized Subject Control Arrest Techniques Instructor Certification shall consist of a minimum of ~~75~~ 29 hours of classroom instruction plus time required to complete the tasks associated with Subject Control Arrest Techniques Instructional Methods and Demonstration presented during a continuous period of not more than two weeks.

(b) Each ~~specialized subject control arrest techniques instructor training~~ Specialized Subject Control Arrest Techniques Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice ~~subject control arrest techniques instructor~~ Specialized Subject Control Arrest Techniques Instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for ~~specialized subject control arrest techniques instructor training~~ Specialized Subject Control Arrest Techniques Instructor Training shall:

(1) have completed the ~~criminal justice general instructor training~~ Criminal Justice Instructor Training course;

(2) present a letter from a licensed physician stating the applicant's physical fitness to participate in the course; and

(3) present a written endorsement by either

(A) a certified School Director indicating the student is qualified to instruct subject control arrest techniques in Basic Law Enforcement Training Courses; or

(B) a Department Head, certified School Director, or In-Service Training Coordinator indicating the student may be utilized to instruct subject control arrest techniques for the Law Enforcement Officers' Annual In-Service Training ~~Program~~ program; and

(4) Within 365 days prior to enrollment in the Subject Control Arrest Techniques Instructor Training course the prospective student shall complete the following assessments administered by the North Carolina Justice Academy:

(A) a qualification requiring the individual to demonstrate 100 percent proficiency on the Basic Law Enforcement Training Subject Control Arrest Techniques, and

(B) achieve at least the 60th percentile on a physical fitness assessment,

(d) Each ~~specialized subject control arrest techniques instructor training~~ Specialized Subject Control Arrest Techniques Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

(1) ~~Pre-Qualification Testing~~ Pre-Qualification Testing 4 Hours

(2)(1) Orientation 1 Hour

(3)(2) Response to Injury 4 Hours

1	(4)(3)	Combat Conditioning	4 Hours
2	(5)(4)	Safety Guidelines/Rules	2 Hours
3	(6)	SC/AT Techniques and Instructional Methods	42 Hours
4	(7)(5)	Fundamentals of Professional Liability	4 Hours
5	(8)(6)	Practical Skills Enhancement	4 Hours
6	(9)(7)	Student Instructional Practicum	6 Hours
7	(10)(8)	BLET Lesson Plan Review	4 Hours
8	(9)	Completion of tasks associated with Subject Control Arrest Techniques Instructional Methods and	
9		Demonstrations. The number of hours required to complete this portion of the curriculum shall be	
10		based on the number of enrolled students, available facilities, and number of instructors.	
11	TOTAL		75 Hours

(e) The "Specialized Subject Control Arrest Techniques Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for ~~specialized subject control arrest techniques instructor training courses~~; the Specialized Subject Control Arrest Techniques Instructor Training course. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

(f) The Commission-certified school that is certified to offer the "Specialized Subject Control Arrest Techniques Instructor Training" course is the North Carolina Justice Academy.

History Note: Authority G.S. 17C-6;

Eff. February 1, 1987;

Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; March 1, 1990; July 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

Amended Eff. January 1, 2021.

12 NCAC 09B.0233 is proposed for amendment as follow:

12 NCAC 09B .0233 SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING

(a) The instructor training course required for ~~specialized physical fitness instructor certification~~ Specialized Physical Fitness Instructor Certification shall consist of a minimum of ~~58~~ 47 hours of ~~instruction~~ classroom and field instruction, plus the tasks associated with Physical Fitness Assessments, Exercise Programs, and Instructional Methods, presented during a continuous period of not more than two weeks.

(b) Each ~~specialized physical fitness instructor training~~ Specialized Physical Fitness Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice physical fitness instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for specialized physical fitness training shall:

(1) qualify through one of the following three options:

(A) have completed the criminal justice general instructor training course;

(B) hold a current and valid North Carolina Teacher's Certificate, hold a baccalaureate degree in physical education, and be teaching in physical education topics; or

(C) be presently instructing physical education topics in a community college, college, or university and possess a baccalaureate degree in physical education; and

(2) present a written endorsement by either:

(A) a certified School Director indicating the student may be utilized to instruct physical fitness in Basic Law Enforcement Training Courses; or

(B) a certified School Director, or In-Service Training Coordinator indicating the student may be utilized to instruct physical fitness for the Law Enforcement Officers' In-Service Training Program; and

(3) present a letter from a physician stating fitness to participate in the ~~course~~ course; and

(4) Within 365 days prior to enrollment complete a qualification administered by the North Carolina Justice Academy requiring the individual to:

(A) complete Scenario #1 of the Police Officer Physical Abilities Test (POPAT) in no more than six minutes;

(B) complete Scenario #2 of the POPAT in no more than three minutes;

(C) complete a physical fitness assessment achieve at a minimum percentile score of 60.

(d) Each ~~specialized physical fitness instructor training~~ Specialized Physical Fitness Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

(1) Pre-Qualification Testing	5 Hours
(2)(1) Orientation	1 Hour
(3)(2) Physical Fitness Sessions	6 Hours
(4)(3) Physical Fitness Assessments, Exercise Programs, and Instructional Methods	20 <u>14</u> Hours

(5)(4)	Injury Care and Prevention	4 Hours
(6)(5)	Nutrition	7 Hours
(7)(6)	Civil Liability	3 Hours
(8)(7)	CVD Risk Factors	3 Hours
(9)(8)	Developing In-Service Wellness Programs and Validating Fitness Standards	4 Hours
(10)(9)	Lesson Plan Review	2 Hours
(11)(10)	Exercise Leadership	3 Hours
(11)	<u>Completion of tasks associated with Physical Fitness Assessments, Exercise Programs, and Instructional Methods (number of hours determined by number of students, number of instructors, and available facilities).</u>	
TOTAL		58 Hours

(e) The "Physical Fitness Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for specialized physical fitness instructor training courses. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

(f) The Commission-certified school that is certified to offer the "Specialized Physical Fitness Instructor Training" course is the North Carolina Justice Academy.

History Note: Authority G.S. 17C-6;

Eff. July 1, 1989;

Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August 1, 2006; August 1, 2002; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 1985.

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.

Amended Eff. January 1, 2021.

12 NCAC 09B .0314 is proposed for amendment as follows:

12 NCAC 09B .0314 CERTIFICATION OF DIVERSION INVESTIGATORS AND SUPERVISORS

(a) The diversion training courses for investigators and supervisors shall provide the trainee with the skills and knowledge to perform the duties of a law enforcement Diversion Investigator or Supervisor. The diversion training course for investigators shall be 20 24 classroom hours. The diversion training course for supervisors shall be administered in a four hour online training course. To be certified as a Diversion Investigator or Diversion Supervisor the trainee shall complete the respective diversion training course and achieve a minimum score of 70 percent on the comprehensive written or online examination.

(b) Applications for Diversion Investigator or Diversion Investigator Supervisor Certification shall be submitted to the Standards Division within 60 days of the date the applicant passed the State comprehensive examination administered at the conclusion of the Commission-accredited diversion training program. Persons having completed the Commission-accredited diversion training course and not having submitted the application within 60 days of the date the applicant passed the State comprehensive examination shall complete a subsequent Commission-accredited diversion training course in its entirety.

~~(c)~~(b) Only a Sheriff, deputy sheriff, or law enforcement officer certified or appointed through the North Carolina Criminal Justice Education and Training Standards or North Carolina Sheriffs' Education and Training Standards Commissions and employed by a law enforcement agency shall be enrolled in a diversion training course. A trainee shall not be certified as a Diversion Investigator or Diversion Supervisor until the Basic Law Enforcement Training course, pursuant to Rule .0205 of this Subchapter, has been completed with passing scores and probationary or general law enforcement certification has been granted. Sheriffs and appointed deputy sheriffs shall be allowed to participate in the diversion training courses on a space available basis at the discretion of the Diversion Training Course School Director without having enrolled in, or having completed with passing scores, the Basic Law Enforcement Training course, pursuant to Rule .0205 of this Subchapter and 12 NCAC 09G .0411 and without being currently certified in a probationary status or holding justice officer certification.

~~(d)~~(e) Special Agents with the North Carolina State Bureau of Investigation deemed Diversion Investigators as of July 1, 2019, shall be automatically granted certification under this Rule for a period of three years.

~~(e)~~(d)The "Diversion Training Courses" required for certification, authored by the North Carolina State Bureau of Investigation and published by the North Carolina Justice Academy, shall include the topic areas as outlined in G.S. 17C-6(a)(19) and is to be applied as the basic curriculum for the Diversion Training Courses for Diversion Investigator and Diversion Supervisors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tyron Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

1 and obtained at cost from the Academy at the following address:

2 North Carolina Justice Academy

3 Post Office Box 99

4 Salemburg, North Carolina 28385

5
6 *History Note: Authority G.S. 17C-6; 17E-4; 90-113.74E;*

7 *Eff. January 1, 2021; February 1, 2020.*

1 12 NCAC 09B .0409 is proposed for amendment as follows:

2
3 **12 NCAC 09B .0409 SATISFACTION OF TRAINING -- SMI OPERATORS**

4 (a) To satisfy the training requirements for operator certification, a trainee shall complete all of the following:

- 5 (1) achieve a score of 70 percent correct answers on the comprehensive written examination, provided
6 for in 12 NCAC 09B .0408(d).
- 7 (2) demonstrate successful completion of a certified offering of courses as prescribed under 12 NCAC
8 09B .0212, .0213, .0214, .0215, .0238, .0242, or .0244 as shown by the certification of the school
9 director.
- 10 (3) demonstrate 100 percent proficiency in the motor-skill and performance subject areas as
11 demonstrated to a certified Speed Measurement Instrument (SMI) instructor and further evidenced
12 through documentation on the Commission's SMI forms and by the subscribing instructor's
13 certification of trainee competence.
- 14 (4) present evidence showing prior North Carolina certification in a Commission-certified operator
15 training course as prescribed in 12 NCAC 09B .0212 .0213, .0214, .0238, .0242, .0244 or present
16 evidence showing prior certification which meets or exceeds North Carolina certification, or present
17 evidence showing completion of ~~46~~ 12 hours of supervised field practice within 90 days after
18 completing a Commission-certified radar operator training course as prescribed in 12 NCAC 09B
19 .0212 .0213, .0242, .0244.
- 20 (5) Individuals who are applying for SMI operator certification may, for just cause, be granted an
21 extension of the 90 day requirement period to complete the ~~46~~ 42 hours of supervised field practice,
22 pursuant to Subparagraph (a)(4) of this Rule, by the Director, on a one-time basis only not to exceed
23 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course
24 cancellation, or other exceptional circumstances which precluded the applicant from completing the
25 required supervised field practice time.

26 (b) Any trainee failing to achieve 100 percent proficiency in the motor-skill area may request written permission from
27 the Director of the Standards Division for re-examination. The trainee's request for re-examination shall be made in
28 writing and must be received by the Standards Division within 30 days of the original examination. The trainee's
29 request for re-examination shall include the favorable recommendation of the school director who administered the
30 course. A trainee shall have, within 90 days of the original examination, only one opportunity for motor-skill
31 re-examination and must satisfactorily complete each identified area of deficiency on the original motor-skill
32 examination. The trainee shall be notified by the Standards Division staff of a place, time and date for re-examination.
33 If the trainee fails to achieve the prescribed score on the examination, the trainee shall not be recommended for
34 certification and shall enroll and complete a subsequent course offering in its entirety before further examination may
35 be permitted.

36 (c) To satisfy the training requirements for operator re-certification, an operator seeking re-certification shall:

(1) Achieve a score of 75 percent correct answers on the comprehensive written examination provided for in 12 NCAC 09B .0408(e).

(2) Demonstrate successful completion of a certified offering of courses as prescribed under 12 NCAC 09B .0218, .0219, .0220, .0221, .0222, .0239, .0240, .0243, or .0245 as shown by the certification of the school director.

(3) Satisfy all motor-skill requirements as required in Subparagraph (a)(3) of this Rule.

(d) At the time a trainee seeking operator re-certification fails to achieve the prescribed requirements on the comprehensive written examination as specified in 12 NCAC 09B .0409(c)(1), certification of the officer automatically and immediately terminates and that officer shall not be re-certified until successful completion of a subsequent course offering as prescribed under either 12 NCAC 09B .0212, .0213, .0214, .0238, .0242, or .0244 before further examination is permitted.

(e) At the time a trainee seeking operator re-certification fails to achieve the prescribed motor-skill requirements as specified in 12 NCAC 09B .0409(c)(3), certification of the officer automatically and immediately terminates and that officer shall not be re-certified until successful completion of the required motor-skill testing. Provided, however, such an officer may request re-examination as prescribed in Paragraph (b) of this Rule.

History Note: Authority G.S. 17C-6;

Eff. November 1, 1981;

Readopted w/change Eff. July 1, 1982;

Amended Eff. November 1, 2007; May 1, 2004; April 1, 1999; December 1, 1987; August 1, 1984; October 1, 1983; April 1, 1983;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;

Emergency Amendment Eff. May 5, 2020.

Amended Eff. January 1, 2021.

12 NCAC 09B .0417 is proposed for amendments as follow:

12 NCAC 09B .0417 SPECIALIZED EXPLOSIVES AND HAZARDOUS MATERIALS INSTRUCTOR TRAINING

(a) The instructor training course required for Specialized Explosives and Hazardous Materials Instructor ~~certification~~ Certification shall consist of a minimum of ~~68~~ 59 hours of classroom instruction plus time required to complete Instructor Practicums presented during a continuous period of not more than two weeks.

(b) Each Specialized Explosives and Hazardous Materials Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice explosives and hazardous materials instructor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for ~~specialized explosives and hazardous materials instructor training~~ Specialized Explosives and Hazardous Materials Instructor Training shall:

(1) have completed either:

(A) the criminal justice ~~general~~ instructor training course; or

(B) the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional Systems Design model, an international model with application in education, military training, and private enterprise;

(2) present a written endorsement by either:

(A) a certified school director indicating the student will be utilized to instruct explosives and hazardous materials in Basic Law Enforcement Training Courses; or

(B) a department head, certified school director, or in-service training coordinator, indicating the student will be utilized to instruct explosives and hazardous materials training in the Law Enforcement Officer's Annual In-Service Training Program; and

(3) present a completed OSHA Respirator Medical Evaluation Questionnaire, accompanied by a statement from a licensed medical professional stating the applicant is physically fit to participate in the course.

(d) Each Specialized Explosives and Hazardous Materials Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation	2 Hours
(2)	Introduction to Hazardous Materials	1 Hour
(3)	Hazardous Materials Identification	2.5 Hours
(4)	Awareness Level Actions at Hazardous Materials Incidents	1.5 Hours
(5)	Chemical Properties and Hazardous Materials Behavior	3 Hours
(6)	Incident Management	3 Hours
(7)	Strategic Goals and Tactical Objectives	3.5 Hours
(8)	Terrorist and Other Criminal Activity	5 Hours

1	(9)	Personal Protective Equipment	5 Hours
2	(10)	Decontamination	5 Hours
3	(11)	Product Control	4 Hours
4	(12)	Air Monitoring and Sampling	1.5 Hours
5	(13)	Victim Rescue and Recovery	4 Hours
6	(14)	Evidence Preservation and Sampling	3 Hours
7	(15)	Illicit Laboratories	2 Hours
8	(16)	Introduction to Explosive Devices	1 Hour
9	(17)	Improvised Explosive Device Anatomy	2 Hours
10	(18)	Packaged Improvised Explosive Devices	1 Hour
11	(19)	Suicide/Homicide Improvised Explosive Devices	1 Hour
12	(20)	Vehicle Borne Improvised Explosive Devices	1 Hour
13	(21)	Radio Controlled Improvised Explosive Devices with Live Demonstration	5 Hours
14	(22)	Improvised Explosive Device Threat Response	1 Hour
15	(23)	Explosives and Hazardous Materials Emergencies and BLET Lesson Plan	
16		Review	40 1 HoursHour
17	(24)	<u>Completion of tasks associated with Instructor Practicums (hours determined by number of</u>	
18		<u>students and instructors)</u>	

(e) The texts and publications utilized in the Specialized Explosives and Hazardous Materials Specialized Instructor Training course shall be those approved by the Education and Training Committee of the Criminal Justice Education and Training Standards Commission. The basic curriculum for delivery of the Specialized Explosives and Hazardous Materials Instructor Training course shall be the ~~current "Explosives and Hazardous Materials Emergencies Basic Law Enforcement Training Manual"~~ Specialized Explosives and Hazardous Materials instructor Training Manual, as published by the North Carolina Justice Academy ~~Academy, including all subsequent amendments and editions.~~ Copies of these publications may be inspected at the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Raleigh, North Carolina 27610

and may be obtained at no cost to the student from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

(f) The North Carolina Justice Academy is certified to offer the Specialized Explosives and Hazardous Materials Instructor Training course.

1 *History Note: Authority G.S. 17C-6; 17C-10;*
2 *Eff. June 1, 2013;*
3 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
4 *2019.*
5 *Amended Eff. January 1, 2021.*

12 NCAC 09G .0414 is proposed for amendment as follow:

12 NCAC 09G .0414 INSTRUCTOR TRAINING

(a) The ~~instructor training~~ Instructor Training course required for ~~general instructor~~ General Instructor certification shall consist of a at least the minimum number of 78 hours of instruction presented during a continuous period of not more than two weeks, pursuant to 12 NCAC 09B .0209.

(b) Each instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice instructor.

(c) Each instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

- | | | |
|------|--|---------|
| (1) | Orientation and Pre-test; | 3 hours |
| (2) | Instructional Systems Design (ISD); | 6 hours |
| (3) | Law Enforcement Instructor Liabilities and Legal Responsibilities; | 3 hours |
| (4) | Criminal Justice Instructional Leadership | 4 hours |
| (5) | Lesson Plan Preparation: Professional Resources; | 3 hours |
| (6) | Lesson Plan Development and Formatting | 4 hours |
| (7) | Adult Learning; | 6 hours |
| (8) | Instructional Style and Platform Skills; | 5 hours |
| (9) | Classroom Management; | 3 hours |
| (10) | Active Learning: Demonstration and Practical Exercises; | 6 hours |
| (11) | The Evaluation Process of Learning; | 4 hours |
| (12) | Principles of Instruction: Audio Visual Aids; | 4 hours |
| (13) | Student 8 Minute Introduction and Video Critique; and | 5 hours |
| (14) | Student Performance: | |
| | First 35 Minute Presentation; | 6 hours |
| | Second 35 Minute Presentation; and | 6 hours |
| | Final 70 Minute Presentation and Review; | 8 hours |
| (15) | Course Closing and Post Test | 2 hours |

(d) The "Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as the basic curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive Post Office Drawer 149
Raleigh, North Carolina 27602

and may be purchased at the cost of printing and postage from the North Carolina Justice Academy at the following address:

North Carolina Justice Academy

Post Office Drawer 99
Salemberg, North Carolina 28385

History Note: Authority G.S. 17C-6;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.
Amended Eff. January 1, 2021.